

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 1, 2007

D049610 **Coachella Valley Water District v. Imperial Irrigation District**
D049636 **Coachella Valley Water District v. Imperial Irrigation District**
(Consolidated) Judgment affirmed. Benke, Acting P.J.; I Concur: McIntyre, J.;
I Concur: Huffman, J.

D049525 **In re Jose C., a Juvenile**
Judgment affirmed. CERTIFIED FOR PUBLICATION. Haller, Acting P.J.;
We Concur: O'Rourke, J., Aaron, J.

D049206 **In re Natural Gas Anti-Trust Cases I, II, III, & IV**
Upon written request filed by appellant UCAN, the appeal is dismissed and the remittitur is
ordered to issue immediately as to UCAN. (Cal. Rules of Court, rule 8.244(c)(2).)

D050780 **In re Damian L., a Juvenile**
The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., Haller, J.

D050817 **In re Steven H., a Juvenile**
The judgment is reversed. The court is directed to require the Agency to fully comply with the
notice requirements of the ICWA. If, after notice, a tribe exercises its right to intervene, the
court is directed to hold a new section 366.26 hearing. If no tribe exercises its right to intervene,
the court is authorized to reinstate the judgment. Haller, J.; We Concur: McConnell, P.J.,
Huffman, J.

D048908 **People v. Chavez**
The sentence on the section 12022.5, subdivision (a) enhancement finding is vacated. The trial
court is directed to strike the section 12022.5, subdivision (a) enhancement finding, prepare an
amended abstract of judgment reflecting this striking, and forward the amended abstract of
judgment to the Department of Corrections and Rehabilitation. As so modified, the judgment is
affirmed. Aaron, J.; We Concur: McConnell, P.J., Huffman, J.

D050584 **Sznyter v. Malone**
The order of the Appellate Division affirming the trial court judgment in favor of respondent is
reversed, and the case is remanded for the Appellate Division to issue its remittitur and to direct
the trial court to enter a different order denying judgment on the pleadings and to conduct such
further proceedings as may be appropriate. (Cal. Rules of Court, rule 8.1018.) Each party shall
bear its own costs on appeal. CERTIFIED FOR PUBLICATION. Huffman, Acting P.J.; We
Concur: McIntyre, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 2, 2007

D050055 Tiu v. County of San Diego Civil Service Commission et al. v. County of San Diego, et al.

The judgment is affirmed. Irion, J.; We Concur: McDonald, Acting P.J., Aaron, J.

D050647 In re Precious C., a Juvenile

The order is affirmed. McIntyre, J.; We Concur: Huffman, P.J., Aaron, J.

D049868 People v. Stewart

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Huffman, J.

D051258 In re Mike G., a Juvenile

The appeal is dismissed. Aaron, J.; We Concur: Benke, Acting P.J., Haller, J.

D051132 In re Noah T., a Juvenile

The appeal is dismissed. Nares, J.; We Concur: McConnell, P.J., Haller, J.

D051162 In re Christian G., a Juvenile

The appeal is dismissed. Huffman, Acting P.J.; We Concur: Haller, J., Aaron, J.

D050871 Save Old Solana et al. v. Kellejian et al.

Upon written request file by appellants, the appeal is dismissed and the remittitur is ordered to issue immediately

D050886 Kahn v. San Diego Housing Commission

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 3, 2007

D050352 In re Jesus F., a Juvenile

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., O'Rourke, J.

D049566 People v. Ceja

The conviction of petty theft is reversed. The conviction of receiving stolen property is affirmed. The trial court is directed to modify the abstract of judgment accordingly, and forward an amended abstract of judgment to the Department of Corrections and Rehabilitation. CERTIFIED FOR PUBLICATION. Huffman, Acting P.J.; I Concur: Benke, J.;
I dissent (by opinion): McDonald, J.

D050976 In re Kaleigh C., a Juvenile

The appeal is dismissed. Haller, J.; We Concur: McConnell, P.J., Benke, J.

D050729 In re Davion F., a Juvenile

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Haller, J.

D050116 Marriage of Finch

The order is affirmed. McIntyre, Acting P.J.; We Concur: Aaron, J., Irion, J.

D047958 Salmonsens et al. v. Petta

The judgment of the trial court is reversed insofar as it allows Vicki to retain the final payment made pursuant to the sale contract for the Camas property. The trial court is directed to enter a new judgment ordering Vicki to pay the proceeds of the balloon payment to the Trustees, as representatives of the Trust, so that those funds may be distributed according to the terms of the Trust. The parties are to bear their own costs on appeal. Aaron, J.; We Concur: McConnell, P.J., O'Rourke, J.

D049567 People v. Cruz

The judgment is modified to dismiss counts 3 and 5 and is affirmed as so modified. The superior court is directed to prepare a new abstract of judgment in accordance herewith and to forward a copy of the amended abstract to the Department of Corrections and Rehabilitation. McIntyre, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D047442 Pacific Star Ventures, LLC et al. v. Tan

The petition for rehearing is denied.

D050991 In re Giovanni R., a Juvenile

The order is affirmed. Nares, J.; We Concur: McConnell, P.J., Benke, J.

D051706 Cain v. Superior Court of San Diego County/Phillips et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 3, 2007 (Continued)

D051234 In re Marshall on Habeas Corpus

The petition is denied.

D051290 In re Guadarrama on Habeas Corpus

The petition is denied.

D051581 In re Nusbaum on Habeas Corpus

The petition is denied. Without prejudice. The clerk is directed to retain one copy of the petition and exhibits for our records and to return the original petition, all other copies and the exhibits to Nusbaum so he may file them in the appropriate court.

D051428 In re Marshall on Habeas Corpus

The petition is denied.

D051015 In re Vazquez on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 4, 2007

D044103 People v. Rivera

The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., O'Rourke, J.

**D051165 Daniel P. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The petitions are denied. The request for stay is denied. Haller, J.; We Concur: McConnell, P.J., O'Rourke, J.

D049006 National Film Laboratories, Inc. v. California State Board of Equalization

The judgment is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

**D051729 Blackburn v. Superior Court of San Diego County/Duckor, Spradling,
Metzger and Wynne**

The petition is denied.

D049711 People v. Clews

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Aaron, J.

D048845 People v. Upsher

D050640 People v. Upsher

The opinion filed September 10, 2007, is ordered certified for publication. The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 5, 2007

D049285 People v. Cruz

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., McDonald, J.

D048150 Rivet v. Stodter et al.

The judgment is reversed and the cause remanded for further proceedings. Rivet is awarded costs on appeal. McConnell, P.J.; We Concur: Benke, J., McIntyre, J.

D050875 In re A.B., a Juvenile

The order is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D051622 Santisi v. Babikian

Because appellant did not timely pay the filing fee, the appeal is dismissed.

D051752 People v. Zagaria

The appeal is dismissed without prejudice to refile a notice of appeal after an appealable order or judgment has been entered.

D051259 In re Uhuru on Habeas Corpus

The petition is denied.

D051705 Cosby v. Superior Court of San Diego County/Respondent/People

The petition is denied.